LOS ANGELES WATERKEEPER®

July 15, 2016

SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CSC—Lawyers Incorporation Service
Registered Agent for Service of Process
Triumph Processing Inc.
2710 Gateway Oaks Drive, Ste. 150N
Sacramento, CA 95833

Peter LaBarbera, President
Triumph Processing Inc. Plant 1
2605 Industry Way
Lynwood California 90262

Ashok Advani, VP of Operations
Triumph Processing Inc. Plant 2
2588 Industry Way
Lynwood California 90262

Re: Notice of Violation and Intent to File Suit Under the Federal Water Pollution Control Act

To Whom It May Concern:

I am writing on behalf of Los Angeles Waterkeeper ("Waterkeeper") regarding violations of the Clean Water Act[1] ("Act") and California's General Industrial Storm Water Permit[2] ("General Industrial Permit" or "Permit") occurring at the following industrial facilities: Triumph Processing, Inc. Plant 1 located at 2605 Industry Way, and Triumph Processing, Inc. Plant 2 located at 2588 Industry Way, both in Lynwood, California 90262. Plant 1 and Plant 2 may be referred to collectively as the "Facilities."

Section 505 of the Clean Water Act allows citizens to bring suit in federal court against facilities alleged to be in violation of the Act and/or related permits. Section 505(b) of the Act,

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[1] Federal Water Pollution Control Act 33 U.S.C. § 1251 *et seq.*

[2] National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001, Water Quality Order No. 92-12-DWQ, Order No. 97-03-DWQ, as amended by Order No. 2014-0057-DWQ. Between 1997 and June 30, 2015, the Storm Water Permit in effect was Order No. 97-03-DWQ ("1997 Permit"), which as of July 1, 2015, was superseded by Order No. 2014-0057-DWQ ("2015 Permit"). As explained herein, the 2015 Permit and the 1997 Permit contain the same fundamental requirements and implement the same statutory mandates.

33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act, 33 U.S.C. § 1365(a), a citizen must give notice of its intention to file suit. Notice must be given to the alleged violator(s), the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of EPA, the Executive Officer of the water pollution control agency in the State in which the alleged violations occur, and, if the violator is a corporation, the registered agent of the corporation. *See* 40 C.F.R. § 135.2(a)(1).

This communication ("Notice Letter") is issued pursuant to the Act, 33. U.S.C. §§ 1365(a) and (b) and is sent to Triumph Processing Inc. ("Triumph"), and to you as the responsible owners and/or operators of the Facilities, in order to: a) put Triumph, as the owner and/or operator of the Facilities, on notice of violations of the General Industrial Permit occurring at the Facilities, including, but not limited to, discharges of polluted storm water into local surface waters, and b) to provide formal notice that Waterkeeper intends to file a federal enforcement action against Triumph for its violations of Sections 301 and 402 of the Act, 33 U.S.C. §§ 1311, 1342. Unless the Facilities and Triumph take the actions necessary to remedy the ongoing violations of the Act and General Industrial Permit, Waterkeeper intends to file suit in U.S. District Court following expiration of the 60-day notice period, seeking civil penalties, injunctive relief, fees and costs. The Facilities and Triumph are subject to civil penalties for all violations of the Act occurring since July 15, 2011.[3]

I. Background

A. Los Angeles Waterkeeper

Waterkeeper is a non-profit public benefit corporation organized under the laws of California and is located at 120 Broadway, Santa Monica, California 90401. Waterkeeper is an organization of the Waterkeeper Alliance, the world's fastest growing environmental movement.

Founded in 1993, Waterkeeper is dedicated to the preservation and defense of the inland and coastal surface and ground waters of Los Angeles County. The organization works to achieve this goal through a synergy of education, outreach, organizing, litigation and regulatory programs that ensure the protection and enhancement of all waters in Los Angeles County.

Where necessary to achieve its objectives, Waterkeeper directly initiates enforcement actions under the Act on behalf of itself and its approximately 3,000 members who live and/or recreate in and around the Los Angeles basin, including Compton Creek and the Los Angeles River ("Receiving Waters"). Waterkeeper members use these waters, and connected waterways, beaches and ocean waters to fish, surf, swim, sail, SCUBA dive, kayak, bird watch, view

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[3] Triumph is liable for both violations of the 1997 Permit and ongoing violations of the 2015 Permit. *See Illinois v Outboard Marine, Inc.* 680 F.2d 473, 480-81 (7th Cir. 1982) (granting relief for violations of an expired permit); *Sierra Club v Aluminum Co of Am.*, 585 F. Supp. 842, 853-54 (N.D.N.Y 1984) (holding that the Clean Water Act's legislative intent and public policy favor allowing penalties for violations of expired permits); *Pub. Interest Research Group of N.J. v Carter Wallace, Inc.* 684 F. Supp. 115, 121-22 (D.N.J. 1988) (holding that limitations of an expired permit, when transferred to a newly issued permit, are viewed as currently in effect for enforcement purposes).

wildlife, hike, bike, walk and run. Additionally, Waterkeeper members use the waters to engage in scientific study through pollution and habitat monitoring and restoration activities.

The unlawful discharge of pollutants from the Facilities into the Receiving Waters impairs the ability of Waterkeeper members to use and enjoy these waters. Thus, the interest of Waterkeeper's members have been, are being, and will continue to be adversely affected by the Facilities' failure to comply with the Clean Water Act and General Industrial Permit.

B. The Clean Water Act and Storm Water Permitting

With every significant rainfall event, millions of gallons of polluted storm water originating from industrial operations pour into storm drains and local waterways. The consensus among agencies and water quality experts is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. Polluted discharges of storm water cause and contribute to the impairment of water bodies directly receiving flows, and also downstream waters (including heavily used estuaries and beaches) and aquatic dependent wildlife. Although pollution and habitat destruction have drastically diminished once abundant ecosystems in Southern California, local waterways continue to serve as essential habitat for numerous plant and animal species, as well as serve important recreational and aesthetic resources. The public's use of local waterways exposes many people, often children, to toxic metals and other contaminants in storm water discharges from industrial operations like those occurring at the Facilities.

The objective of the Act is to "restore and maintain the chemical, physical and biological integrity of the Nation's waters." 33 U.S.C. §§ 1251(a), 1311(b)(2)(A). To this end, the Act prohibits the discharge of a pollutant from any point source[4] into waters of the United States except in compliance with other requirements of the Act, including Section 402, which provides for NPDES permits. 33 U.S.C. §§ 1311(a), 1342(p). In California, the EPA has delegated it authority to issue NPDES permits to the State Water Resources Control Board ("State Board"). 33 U.S.C. §§ 1342(b), (d). The Los Angeles Regional Water Quality Control Board ("Regional Board") is responsible for issuance and enforcement of the General Industrial Permit in Region 4, which covers both the Facilities and Receiving Waters. In order to discharge storm water lawfully in California, each Facility must enroll in and comply with all terms and conditions of the Permit.

1. *The 1997 General Industrial Permit*

The 1997 Permit required that dischargers meet all applicable provision of Sections 301 and 402 of the Act. These provisions require control of pollutant discharges using Best Management Practices ("BMPs") that achieve either best available technology economically achievable ("BAT") or best conventional pollutant control technology ("BCT") to prevent or

[4] A point source is defined as any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. 33 U.S.C. § 1362(14); see 40 C.F.R. § 122.2.

reduce pollutants.[5] 33 U.S.C. §§ 1311(b)(2)(A), (B). Rather than requiring the specific application of BAT or BCT techniques to each storm water discharge, the development and implementation of BMPs, and compliance with the terms and conditions of the 1997 Permit, served as a proxy for meeting the BAT/BCT mandate. *See* 1997 Permit, Finding 10. Conversely, failure to develop and implement adequate BMPs and/or to comply with the terms and conditions of the 1997 Permit constituted a failure to subject discharges to BAT/BCT in violation of the Act.

2. *The 2015 General Industrial Permit*

The 2015 Permit retains the essential structure and mandate of the 1997 Permit, including the requirement to comply with BAT/BCT standards. The 2015 Permit requires operators to implement certain minimum BMPs, as well as advanced BMPs as necessary to achieve compliance with the Effluent Limitations and Receiving Water Limitations. In addition, the 2015 Permit requires all facility operators to sample storm water discharges more frequently than the 1997 Permit, and to compare the analytical results of sample testing to numeric action levels ("NALs"). All facility operators are required to perform Exceedance Response Actions ("ERAs") as appropriate when sample testing indicates a NAL exceedance. Failure to comply with the terms and conditions of the 2015 Permit equivalent to a failure to subject discharges to BAT/BCT and constitutes violation of the Act.

3. *Both Permits Applicable to the Facilities in June 2016*

Both the 1997 Permit and the 2015 Permit generally require facility operators to: i) submit a Notice of Intent ("NOI") certifying the type of activity or activities undertaken at a facility and committing the operator to comply with the terms and conditions of the Permit; ii) eliminate unauthorized non-storm water discharges; iii) develop and implement a Storm Water Pollution Prevention Plan ("SWPPP"); iv) monitor storm water discharges and authorized non-storm water discharges; and v) file complete and accurate Annual Reports by July 15 of each year, in which the operator must describe the facility, summarize the year's industrial activities, and certify compliance with the terms and conditions of the Permit. In addition to these requirements, the Permit requires that all industrial facilities collect storm water samples from multiple storm events during the year, and analyze samples for various pollutants associated with all industrial activity, including Total Suspended Solids ("TSS"), pH, Specific Conductance ("SC")[6], and either Total Organic Content ("TOC") or Oil and Gas ("O&G"). 1997 Permit B(5)(c)(i); 2015 Permit XI(B)(6)(a)-(b).

In designing the Act, Congress acknowledged "the Government simply is not equipped to take court action against the numerous violations [...] likely to occur [under the Act]." 116 Cong. Rec. 33,104 (1970) (statement of Sen. Hart).[7] In response these challenges, Congress crafted

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[5] Effluent Limitation B(3) of the 1997 Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BCT for conventional pollutants, which include Total Suspended Solids ("TSS"), Oil and Gas ("O&G"), pH, biochemical oxygen demand ("BOD") and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional, which must undergo BAT treatment prior to discharge. *Id.*; 40 C.F.R. § 401.15.

[6] The 2015 Permit does not require facilities to analyze samples for Specific Conductance.

[7] *See also* 116 Cong. Rec. 33,104 (1970) (statement of Sen. Muskie) "I think it is too much to presume that, however well staffed or well intentioned these enforcement agencies are, they will be able to monitor the potential violations

Section 505 to encouraged citizen plaintiffs to act as "private attorney's general." Citizen plaintiffs, therefore, fill a critical social role by enforcing the Act's mandate and are "welcomed participants in the vindication of environmental interests." *Friends of the Earth v. Carey*, 535 F.2d 165, 172 (2nd Cir. 1976).

Additionally, citizen plaintiffs fill a critical economic role. Failure to enforce the Act's prohibitions results in inefficient economic outcomes due to market failures commonly associated with common pool resources like the waterways and oceans. Enforcement actions under the Act's Section 505 help correct these market failures by forcing dischargers in violation to internalize the welfare impacts (i.e. costs) of water pollution that would otherwise be borne by society—including the costs associated with human illness, habitat loss, wildlife disturbances, and impacts to tourism.

II. The Facilities, Receiving Waters and Applicable Discharge Standards

A. The Facilities' Industrial Activities

Plant 1, operating under Waste Discharge Identification ("WDID") number 4 19I002226, is approximately 3 acres and consists of a single large building and several outdoor areas used for parking, loading/unloading, material storage, as well as certain industrial operations. The most recent SWPPP filed with the Regional Board ("Plant 1 2015 SWPPP") indicates that storm water is discharged from three (3) points[8] on the campus.

Plant 2, operating under WDID number 4 19I023351, is also approximately 3 acres and consists of a single large building and several outdoor areas used for parking, loading/unloading, material storage, as well as certain industrial operations. According to the most recent SWPPP filed with the Regional Board ("Plant 2 2015 SWPPP"), the campus has four (4) discharge point, only three (3) of which are incorporated into the facility's storm water Monitoring and Reporting Program ("M&RP").

Both Facilities are classified under Standard Industrial Classification ("SIC") Code 3471 (Electroplating, Plating, Polishing, Anodizing, and Coloring) and perform anodizing, inspection and painting services. Equipment at the Facilities includes chromic acid anodizing lines, natural and/or propane gas fired boilers, propane storage tanks, spray painting booths, curing ovens, polishing equipment and associated equipment including automobiles and maintenance tools.

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of all the requirements contained in the implementation plans that will be filed under this act, all the other requirements of the act, and the responses of the enforcement officers to their duties."

[8] #1—Drainage swale adjacent to the northeast corner of the facility building"), #2—Yard area, approximately 50 feet east of main facility entrance. #3—Roof drain discharge point leading into Industry Way at the southwest corner of the facility building. Plant 1 2015 SWPPP indicates that "[s]amples will be combined for a composite, representative sample that characterizes storm water runoff from the facility."[8] The Plant 1 2015 SWPPP describes discharge points as follows: Sampling Area #1 is representative facility yard and includes effluent from areas of materials handling and storage as well as propane storage and re-fueling activities. Storm water will be characterized by sheet flow, as the lower yard is sloped northwards to a drainage swale that begins near the northeast of the facility building; Sampling Area #2 is representative of areas that are in contact with the empty drum storage area and the outdoor hazardous waste storage area. Additionally, a roof drain discharge point is located adjacent and flows into the sample area.

At Plant 1, according to Plant 1 2015 SWPPP, material storage areas located outside the building include a hazardous waste storage area, an empty drum storage area, municipal trash and metal recycling containers as well as propane storage and refueling area. Plant 1 operates as a Large Quantity Generator of hazardous waste under EPA Permit ID CAR000140855. At Plant 2, material storage areas located outside the building include the storage of finished and unfinished products. According to the Plant 2 2015 SWPPP, no chemicals or waste products are stored outside.

Activities at the site that are significant to storm water management include the usage and storage of substances that are (or contain) hazardous chemicals. Potential sources of pollution from the Facilities include: petroleum distillates contained in the liquid penetrant and dye used in testing; various acids and salts used in the anodizing process; wastewaters containing hexavalent chromium generated from the anodizing process; epoxy and polyurethane based paints and their significant chemical constituents as well as acetone and methyl ethyl ketone generated from spray coating operations; hazardous wastes, including acetone waste paint, oily water, filter press cake, chrome debris, paint filters and paint dust.

B. The Facilities' Receiving Waters

Storm water from Plant 1 and Plant 2 drains to Compton Creek, which is approximately 1.3 miles west of the Facilities, via the storm drain system maintained by the Los Angeles County Flood Control District. From Compton Creek, storm water discharges comingle into the Los Angeles River, and ultimately, flow to the Pacific Ocean.[9] Compton Creek, the Los Angeles River and the Pacific Ocean are collectively referred to as the "Receiving Waters".

Storm water and non-storm water contaminated with sediment, heavy metals, and other pollutants harm the special aesthetic and recreational significance the Receiving Waters have for people in surrounding communities, including Waterkeeper members. The public's use of the Receiving Waters for water contact sports and fishing exposes many people to toxic metals, pathogens, bacteria and other contaminants in storm water and non-storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the Receiving Waters.

Discharges of polluted storm water and non-storm water to the Receiving Waters pose carcinogenic, developmental and reproductive toxicity threats to the public, and adversely affect the aquatic environment. Polluted discharges from the Facilities, as described in detail at Section III of this Notice Letter, cause and/or contribute to the degradation of these already impaired waters, beaches, and recreational and wildlife resources.

[9] Pollutants discharged into Compton Creek flow to the Pacific Ocean via the Los Angeles River, Los Angeles River Estuary, Los Angeles/Long Beach Harbor, and San Pedro Bay.

C. Applicable Standards Under the Act and Permit

The Act requires that any person discharging pollutants to waters of the United States from a point source obtain coverage under an NPDES permit, such as the General Industrial Permit. *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 122.26(c)(1). As described above, both the 1997 Permit and the 2015 Permit require that all dischargers meet all applicable provisions of Act's Sections 301 and 402. Thus, compliance with the General Industrial Permit constitutes compliance with the Act for purposes of storm water discharges. 33 U.S.C. §§ 1311(b)(2)(A), 1311(b)(2)(E). Conversely, failure to comply with the terms and conditions of the Permit, including failure to develop and implement BMPs that achieve BAT/BCT, constitutes a violation of the Act.

1. *Effluent Limitations*

The Permit's Effluent Limitation—section B(3) of the 1997 Permit and V(A) of the 2015 Permit—require dischargers to reduce or prevent pollutants in their storm water discharges through the implementation of BMPs that meet BAT standards for toxic and non-conventional pollutants, and BCT standards for conventional pollutants.[10] The EPA published "benchmark" levels as numeric thresholds to aid in determining whether a facility discharging industrial storm water had implemented the requisite BAT and/or BCT as mandated by the Act.[11] EPA's benchmarks served as objective measures for evaluating whether a facility's BMPs achieve BAT/BCT standards as required by Effluent Limitation B(3) of the 1997 Permit. Under the 2015 Permit, the State Board supplemented the use of "benchmarks" with Numeric Action Levels ("NALs"). *See* 2015 Permit V(A). NALs are derived from, and function similar to, EPA benchmarks. *See* 2015 Permit Fact Sheet I(D)(5). Benchmarks and NALs values represent pollutant concentrations at which a storm water discharge could impair, or contribute to impairing, water quality and/or affect human health. The analytical results from a given facility are measured against EPA's benchmarks to determine whether BMPs are adequate to qualify as meeting the statutory mandate. An exceedance of a benchmark or NAL requires dischargers to implement improved BMPs and revise the facility SWPPP. *See* 2015 Permit Section XII. Thus, exceedances of the benchmarks and/or NALs evidence failure to comply with both the Permit and Act.

The Permit requires facilities to collect samples of storm water discharges from each of the discharge locations—2 annual samples under the 1997 Permit, and 4 total samples under the 2015 Permit[12]—taking care that water collected is representative of the discharge from each discharge point. 1997 Permit B(5), B(7); 2015 Permit XI(B)(1)-(5). In addition to analyzing samples for the core parameters applicable to all industrial facilities (i.e. pH, SC, TSS and O&G/TOC), each storm water sample collected must be analyzed for the following: i) additional

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[10] Toxic pollutants are listed at 40 C.F.R. § 401.15; conventional pollutants are listed at 40 C.F.R. § 401.16.

[11] *See United States Environmental Protection Agency NPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity*, as modified effective May 9, 2009 ("Multi-Sector Permit"), Fact Sheet at 106; *see also*, 65 Federal Register 64839 (2000).

[12] The 2015 Permit requires facilities to collect samples from each discharge location from two storm events within the first half of each reporting year (July 1-Dec. 31) and two storm events from the second half of each reporting year (Jan. 1-Jun 30).

parameters based on a facility's SIC code (1997 Permit B(5)(c)(iii); 2015 Permit XI(B)(6)(d)); ii) toxic chemical and other pollutants that are likely to be present due the specific activities and/or pollutant sources at a facility (1997 Permit B(5)(c)(ii)[13]; 2015 Permit XI(B)(6)(c)[14]); and iii) potentially additional parameters related to the receiving waters with 303(d) listed impairments, or approved Total Maximum Daily Loads ("TMDL") (*see e.g.* 2015 Permit XI(B)(6)).

Further, Waterkeeper puts Triumph on notice that the 2015 Permit Effluent Limitation V.A is a separate, independent requirement with which all facilities must comply, and that carrying out the iterative process triggered by exceedances of NALs listed in Table 2 of the 2015 Permit does not amount to compliance with Effluent Limitation V.A. While exceedances of the NALs demonstrate that a facility is among the worst performing facilities in the State and has failed implement pollution prevention measures required by the Permit and Act, the NALs do not represent technology based criteria relevant to determining whether an industrial facility has implemented BMPs that achieve BAT/BCT.[15] And even if Triumph submits an Exceedance Response Action Plan as required by Section XII of the 2015 Permit, the violations of Effluent Limitations V.A described at Section III of this Notice Letter are ongoing.

2. *Receiving Water Limitations*

Receiving Water Limitation C(2) of the 1997 Permit prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable Water Quality Standard ("WQS").[16] The 2015 Permit incorporates the same standard. *See* 2015 Permit VI(A). Applicable water quality standards include, among others, the Criteria for Priority Toxic Pollutants in the State of California ("CTR"), 40 C.F.R. § 131.38, and the State Board's "Water Quality Control Plan – Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties" ("Basin Plan").[17] Discharges that contain pollutants in excess of an applicable WQS violate these Receiving Water Limitations.

Receiving Water Limitation C(1) of the 1997 Permit prohibits storm water discharge and authorized non-storm water discharges to surface waters that adversely impact human health or the environment. The 2015 Permit includes the same receiving water limitation. *See* 2015 Permit VI.B. Thus, any discharges containing pollutant concentrations in excess of levels known to adversely effect aquatic species and the environment are violations of the Permit.

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[13] Under the 1997 Permit, facilities must analyze storm water samples for "toxic chemicals and other pollutants that are likely to be present in storm water discharges in significant quantities." 1997 Permit, Section B(5)(c)(ii).
[14] Under the 2015 Permit, facilities must analyze storm water samples for "[a]dditional parameters identified by the Discharger on a facility-specific basis that serve as indicators of the presence of all industrial pollutants identified in the pollutant source assessment." 2015 Permit, Section XI(B)(6)(c).
[15] "The NALs are not intended to serve as technology-based or water quality-based numeric effluent limitations. The NALs are not derived directly from either BAT/BCT requirements or receiving water objectives. NAL exceedances defined in [the 2015] Permit are not, in and of themselves, violations of [the 2015] Permit." 2015 Permit, Finding 63, p. 11. The NALs do, however, trigger reporting requirements. See 2015 Permit, Section XII.
[16] Industrial storm water discharges must strictly comply with water quality standards, including those criteria listed in the applicable basin plan. *See Defenders of Wildlife v. Browner*, 191 F.3d 1159, 1166-67 (9th Cir. 1999).
[17] *available at* http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/basin_plan_documentation.shtml.

3. *Monitoring and Reporting Requirements*

The Storm Water Permit requires that facilities develop and implement a storm water monitoring and reporting program ("M&RP") prior to conducting, and in order to continue, industrial activities. The primary objective of the M&RP is to detect and measure concentrations of pollutants in a facility's storm water discharges to ensure that BMPs are in place that can achieve compliance with the Permit's Effluent Limitations and Receiving Water Limitations. *See* 1997 Permit B(2); 2015 Permit XI. An effective M&RP ensures that BMPs are effectively reducing and/or eliminating pollutants at a facility, and is evaluated and revised whenever appropriate to ensure compliance with the core BAT/BCT standard. The foundational elements of an adequate M&RP are the creation and implementation of a robust SWPPP that is specific to the facility and revised/improved in response to lessons learned from implementation and data collection.

As noted above, the 1997 Permit and 2015 Permit impose substantially identical requirements on covered facilities. *See* 1997 Permit B(3)- B(16), 2015 Permit X(I) and XI(A)-XI(D). The 1997 Permit required facilities conduct quarterly visual observations of all drainage areas for the presence of authorized and unauthorized non-storm water discharges. 1997 Permit B(3). The 2015 Permit increased the frequency of visual observations to monthly, and requires that observations be completed at the same time samples are collected. 2015 Permit XI(A). The Permit requires that facilities complete visual observations of storm water discharges from one event per month during the wet season. 1997 Permit B(4); 2015 XI(A)(2). Dischargers must document observations, and any responses taken to address problems observed, including revisions made to the SWPPP. 1997 Permit B(3)-(4); 2015 Permit XI(A)(2)-(3). Section XI(B)(11) of the 2015 Permit, among other requirements, provides that permittees must submit all sampling and analytical results for all samples via SMARTS within 30 days of obtaining results.

III. Violations of the Permit and Act at Plant 1 and Plant 2

The citizen suit provisions of the Act provide that "any citizen" may commence a suit "against any person," including a corporation, "who is alleged to be in violation of an effluent standard or limitation under this chapter." 33 U.S.C § 1365(a)(1). The Act then defines "effluent standard or limitation" to include "a permit or condition" issued under section 402. *Id.* § 1365(f)(6). Accordingly, Waterkeeper may commence a suit alleging violations of the General Industrial Permit by the Facility. *See Natural Resources Defense Council v. Southwest Marine, Inc.*, 236 F. 3d 985 (9th Cir. 2000) (allowing citizen action for alleged storm water permit violations holding company liable for discharges of "significant contributions of pollutants" and inadequate record keeping).

Only July 1, 2015, the 2015 Permit superseded the 1997 Permit for all but enforcement purposes. Accordingly, Triumph is liable for violations of the 1997 Permit and ongoing violations of the 2015 Permit, and civil penalties and injunctive relief are available remedies. *See Illinois v. Outboard Marine, Inc.*, 680 F.2d 473, 480-481 (7th Cir. 1982) (relief granted for violations of an expired permit); *Sierra Club v. Aluminum Co. of Am.*, 585 F. Supp. 842, 853-54 (N.D.N.Y. 1984) (holding that the Clean Water Act's legislative intent and public policy favor

allowing penalties for violations of an expired permit); *Pub. Interest Research Group of N.J. v. Carter-Wallace, Inc.*, 684 F. Supp. 115, 121-22 (D.N.J. 1988) (holding that limitations of an expired permit, when those limitations have been transferred to a newly issued permit, may be viewed as currently in effect").

Waterkeeper puts Triumph on notice that the Permit's Effluent Limitations and Receiving Water Limitations are violated each time storm water discharges from one of the Facilities without having been subjected to properly developed and implemented BMPs. *See* Exhibit A: Storm Event Summary. These discharge violations are ongoing and will continue every time the Facilities discharge polluted storm water without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. Each time Triumph discharges polluted storm water in violation of Effluent Limitations or Receiving Water Limitations is a separate and distinct violation of both the Permit and Section 301(a) of the Act, 33 U.S.C. § 1311(a). Triumph is subject to civil penalties for all violations of the Act occurring since July 15, 2011.

Information available to Waterkeeper indicates that the Facilities have failed and continue to fail to develop and/or implement BMPs to address pollutant sources and avoid contaminated discharges as required by the Permit. As evidence of these failures, the Facilities have violated and continue to violate the Permit's Effluent Limitations, Receiving Water Limitations and M&RP requirements, as detailed below.

A. Plant 1

1. *Effluent Limitation Violations*

According to information available to Waterkeeper, including a thorough review of both electronic and hard copy files in the Regional Board's possession, Plant 1 has not developed and/or implemented BMPs that achieve BAT/BCT; and therefore has been in continuous violation of the Permit's Effluent Limitations for the entirely of the relevant statute of limitations—July 15, 2011 to July 15, 2016. TABLE 1, below, summarizes those data available to Waterkeeper that evidence Plant's 1 BMP inadequacies and violations of Effluent Limitations.

TABLE 1
SAMPLING DATA DEMONSTRATES ONGOING EXCEEDANCES OF EFFLUENT LIMITATIONS FOR MULTIPLE POLLUTANTS

LINE	SAMPLE DATE	PARAMETER	OBSERVED CONCENTRATION	EPA BENCHMARK	DISCHARGE POINT
1	11/04/11	pH	5.2 pH units	6.0-9.0 pH units	unknown
2	11/04/11	pH	5.1 pH units	6.0-9.0 pH units	unknown
3	04/26/12	pH	5.2 pH units	6.0-9.0 pH units	unknown
4	01/24/13	pH	5.4 mg/L	6.0-9.0 pH units	unknown
5	01/24/13	SC	392 µS/m	200 µS/m	unknown
6	01/24/13	Zn	0.21 mg/L	0.117 mg/L	unknown
7	02/19/13	pH	5.9 pH units	6.0-9.0 pH units	composite
8	02/19/13	SC	430 µS/m	200 µS/m	composite

9	02/19/13	N+N	6.89 mg/L	0.68 mg/L	composite
10	02/19/13	Al	1.96 mg/L	0.75 mg/L	composite
11	02/19/13	Zn	0.83 mg/L	0.117 mg/L	composite
12	12/19/13	Cr	0.069 mg/L	n/a	composite
13	12/19/13	Zn	1.02 mg/L	0.117 mg/L	composite
14	12/19/13	N+N	7.0 mg/L	0.68 mg/L	composite
15	12/19/13	Fe	3.13 mg/L	1.0 mg/L	composite
16	12/19/13	Al	5.75 mg/L	0.75 mg/L	composite
17	12/19/13	SC	329 µS/m	200 µS/m	composite
18	01/26/15	Cr	0.036 mg/L	n/a	unknown
19	01/26/15	N+N	6.6 mg/L	0.68 mg/L	unknown
20	01/26/15	Fe	2.12 mg/L	1.0 mg/L	unknown
21	01/26/15	Al	4.19 mg/L	0.75 mg/L	unknown
22	01/26/15	SC	245 µS/m	200 µS/m	unknown
23	05/14/15	Cr	0.28 mg/L	n/a	unknown
24	05/14/15	Zn	0.83 mg/L	0.117 mg/L	unknown
25	05/14/15	N+N	2.6 mg/L	0.68 mg/L	unknown
26	05/14/15	Fe	3.8 mg/L	1.0 mg/L	unknown
27	05/14/15	Al	4.2 mg/L	0.75 mg/L	unknown
28	05/14/15	EC	301 µS/m	200 µS/m	unknown
29	01/05/16	Al	0.82 mg/L	0.75 mg/L	Location 1
30	01/05/16	Zn	0.31 mg/L	0.117 mg/L	Location 1
31	01/05/16	Al	1.8 mg/L	0.75 mg/L	Location 2
32	01/05/16	Zn	0.32 mg/L	0.117 mg/L	Location 2
33	01/05/16	Fe	2.16 mg/L	1.0 mg/L	Location 2
34	03/07/16	pH	5.93 pH units	6.0-9.0 pH units	Location 2
35	03/07/16	Zn	0.20 mg/L	0.117 mg/L	Location 2
36	03/07/16	Zn	0.12 mg/L	0.117 mg/L	Location 3
37	03/11/16	N+N	1.07 mg/L	0.68 mg/L	Location 1
38	03/11/16	Zn	0.25 mg/L	0.117 mg/L	Location 1
39	03/11/16	Al	0.81 mg/L	0.75 mg/L	Location 2
40	03/11/16	Zn	0.16 mg/L	0.117 mg/L	Location 2
41	03/11/16	N+N	1.06 mg/L	0.68 mg/L	Location 3
42	03/11/16	Zn	0.22 mg/L	0.117 mg/L	Location 3

The results of storm water sample analysis between Nov. 2011 and Mar. 2016 (lines 1-42) show consistent exceedances of the EPA benchmark levels for various indicator parameters. In numerous cases Plant 1 has self reported to the Board exceedances of parameters by orders of magnitude—see e.g. line 14 exceedance of the benchmark for N+N by more than 1000%, and line 16 exceedance of the benchmark for Al by almost 800%.[18] The sampling data summarized above in TABLE 1 demonstrates that the Plant 1 has failed and continues to fail to develop or implement BMPs that achieve compliance with the Act's BAT/BCT mandates.

2. *Receiving Water Limitations[19] Violations*

Plant 1 drains to Compton Creek, the Los Angeles River and ultimately into the Pacific Ocean near popular coastal resources. Based on information and belief, sampling data reported to the State and Regional Boards demonstrate that storm water discharges from Plant 1 contain concentrations of pollutants that exceed primary and secondary standards. These data provide further evidence of Plant 1 has failed and continues to fail to develop and implement adequate BMPs.

i. Primary Receiving Water Limitation

The Basin Plan identifies beneficial uses of the Receiving Waters to include, among others, municipal and domestic water supply, groundwater recharge, water contact recreation, non-contact water recreation, warm freshwater habitat, and wildlife habitat. The Basin Plan provides a chemical constituent standard that "[s]urface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use. Water designated for use as Domestic or Municipal Supply (MUN) shall not contain concentrations of chemical constituents in excess of the limits specified in the following provisions of Title 22 of the California Code of Regulations which are incorporated by reference into this plan: Table 64431-A of Section 64431 (Inorganic Chemicals)..."[20] The Basin Plan provides a Maximum Contaminant Level ("MCL") for Al of 1 mg/L.

The EPA 303(d) List of Water Quality Limited Segments lists Reach 1 of the Los Angeles River as impaired for zinc, among other pollutants.[21] As a result, the Basin Plan contains additional water quality standards for the Los Angeles River in an amendment setting forth Total Maximum Daily Loads ("TMDLs") for the Los Angeles River.[22] For General Industrial Permit holders, the Basin Plan sets forth interim wet-weather concentration-based waste load allocations ("WLAs") that have been enforceable conditions for discharges since

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[18] Self-monitoring reports under the Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

[19] As described above in Section II, the primary Receiving Water Limitation requires that industrial storm water discharges not cause or contribute to an exceedance of applicable WSQ, including those established by EPA, contained in a Statewide Water Quality Control Plan, the CTR or set in the Basin Plan. 1997 Permit C(2); 2015 Permit VI(A). The secondary Receiving Water Limitation requires that industrial storm water discharges not adversely affect human health or the environment. 1997 Permit C(1); 2015 Permit VI(B).

[20] Basin Plan at 3-8.

[21] *See* http://www.waterboards.ca.gov/centralvalley/water_issues/tmdl/impaired_waters_list/2008_2010_usepa_303dlist/20082010_usepa_aprvd_303dlist.pdf.

[22] *See* http://63.199.216.6/larwqcb_new/bpa/docs/R10-003/R10-003_RB_BPA.pdf.

January 11, 2011. There is a WLA for zinc of 0.117 mg/L. Further, the CTR contains a freshwater numeric water quality standard for zinc of 0.120 mg/L (Criteria Maximum Concentration – "CMC"). 65 Federal Register 31712 (May 18, 2000).

The storm water sampling data summarized in TABLE 1 establish that discharges from Plant 1 contain concentrations of pollutants that cause or contribute to a violation of applicable WQSs.[23] These exceedances demonstrate that Plant 1 has violated and continues to violate the Permit's primary Receiving Water Limitations.

ii. Secondary Receiving Water Limitations

Waterkeeper's review of the sampling data reported to the State and Regional Boards demonstrates that Plant 1 has discharged and continues to discharge polluted storm water containing pollutant concentrations that violate the Permit's secondary Receiving Water Limitations. Discharges from Plant 1 contain chemicals such as iron, aluminum, and zinc, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Receiving Waters. Therefore, these discharges adversely impact human health and the environment in violation of Receiving Water Limitations.

3. *Monitoring and Reporting Program Violation*

Plant 1 has violated and continues to violate the Permit's M&RP requirements. Among others, the following constitute the principal deficiencies in the M&RP at Plant 1:

- Inadequate Sampling Frequency—for multiple years between storm water year 2011-12 and storm water year 2015-16, Plant 1 has failed to collect samples from an adequate number of storm events, including failures in storm water year 2011-12 and storm water year 2015-16.
- Improper Combination of Samples—To the best of Waterkeeper's knowledge, Plant 1 only analyzed a single composite sample (i.e. combination of storm water from as many as three discharge points) from storm water year 2011-12 through storm water year 2013-14. Plant 1 failed to provide a rationale or justification for its diversion from the Permit's default rule that water must be collected/analyzed from *each* discharge point. Furthermore, because hazardous waste is used and stored on site, it is highly improbable that Plant 1 could have legally justified analyzing a composite sample unless all drainages were equally likely to contain any pollutants from the use and storage of such hazardous materials. Finally, data from 2016, in which each discharge point is analyzed independently, confirms that the dissimilarity among Plant 1's discharge locations.
- Failure to Test for Sufficient Range of Pollutants—Plant 1 operates as a Large Quantity Generator of hazardous waste under EPA Permit ID CAR000140855. Under the 1997 Permit, facilities must analyze storm water samples for "toxic chemicals and other pollutants that are likely to be present in storm water discharges in significant quantities." 1997 Permit, Section B(5)(c)(ii). Under the 2015 Permit, facilities must analyze storm water samples for "[a]dditional parameters identified by the Discharger on a facility-specific basis that serve as indicators of the presence of all industrial pollutants identified in the pollutant source assessment." 2015 Permit, Section XI(B)(6)(c). Despite these clear provisions requiring

[23] *supra* at TABLE 2 lines 6, 10-11, 13, 16, 21, 24, 27, 29-32, 35-36, 38-39, 40 and 42.

Plant 1 to augment its analysis of storm water samples beyond requirements imposed on all industrial facilities classified under SIC Code 3471, Plant 1 tested for only the minimum parameters. Furthermore, in storm water year 2011-12, Plant 1 failed to analyze its only storm water sample for any parameters other than pH.

- Failure To Describe Pollutant Sources and Develop Adequate BMPs—Plant 1 operates as a Large Quantity Generator under EPA Permit ID CAR000140855. However, the SWPPP includes scant little information about the nature of hazardous wastes used and/or stored on site, and fails to develop BMPs specifically tailored to address what is, presumably, a grave threat to the health of the Receiving Waters and welfare of humans who use these waters.
- Failure To Revise BMPs—Plant 1's Annual Report for storm water year 2014-15 reports that during monthly visual observations, water entering the Receiving Waters appears "turbid," and was likely caused by excessive dust from the shipping yard. However, Plant 1 indicated that no BMPs revisions were called for or undertaken in response to this observation.

B. Plant 2

1. Effluent Limitation Violations

According to information available to Waterkeeper, including a thorough review of both electronic and hard copy files in the Regional Board's possession, Plant 2 has not developed and/or implemented BMPs that achieve BAT/BCT; and therefore has been in continuous violation of the Permit's Effluent Limitations for the entirely of the relevant statute of limitations—July 15, 2011 to July 15, 2016. TABLE 2, below, summarizes those data available to Waterkeeper that evidence Plant 2's BMP inadequacies and violations of Effluent Limitations.

TABLE 2
SAMPLING DATA DEMONSTRATES ONGOING EXCEEDANCES OF EFFLUENT LIMITATIONS FOR MULTIPLE POLLUTANTS

LINE	SAMPLE DATE	PARAMETER	OBSERVED CONCENTRATION	EPA BENCHMARK	DISCHARGE POINT
1	04/26/12	pH	5.1 pH units	6.0-9.0 pH units	North Side
2	04/26/12	pH	5.5 pH units	6.0-9.0 pH units	Composite
3	01/24/13	pH	5.4 pH units	6.0-9.0 pH units	composite
4	01/24/13	Zn	0.18 mg/L	0.117 mg/L	composite
5	02/19/13	Al	2.66 mg/L	0.75 mg/L	composite
6	02/19/13	Zn	2.15 mg/L	0.117 mg/L	composite
7	02/19/13	pH	5.6 pH units	6.0-9.0 pH units	composite
8	02/19/13	SC	392 µS/m	200 µS/m	composite
9	02/19/13	N+N	10.67 mg/L	0.68 mg/L	composite
10	12/19/13	Al	1.77 mg/L	0.75 mg/L	unknown
11	12/19/13	Zn	2.62 mg/L	0.117 mg/L	unknown
12	12/19/13	N+N	4.1 mg/L	0.68 mg/L	unknown
13	12/19/13	Fe	1.42 mg/L	1.0 mg/L	unknown

14	12/19/13	Cr	0.14 mg/L	n/a	unknown
15	01/26/15	Zn	0.45 mg/L	0.117 mg/L	unknown
16	01/26/15	Al	3.04 mg/L	0.75 mg/L	unknown
17	01/26/15	N+N	6.6 mg/L	0.68 mg/L	unknown
18	01/26/15	Fe	2.7 mg/L	1.0 mg/L	unknown
19	05/14/15	Cr	0.38 mg/L	n/a	unknown
20	05/14/15	Fe	4.67 mg/L	1.0 mg/L	unknown
21	05/14/15	Al	3.14 mg/L	0.75 mg/L	unknown
22	05/14/15	Zn	0.55 mg/L	0.117 mg/L	unknown
23	01/05/16	TSS	289.5 mg/L	100 mg/L	Location 1
24	01/05/16	N+N	2.03 mg/L	0.68 mg/L	Location 1
25	01/05/16	Al	3.7 mg/L	0.75 mg/L	Location 1
26	01/05/16	Zn	0.25 mg/L	0.117 mg/L	Location 1
27	01/05/16	Fe	7.79 mg/L	1.0 mg/L	Location 1
28	01/05/16	Cr	1.11 mg/L	n/a	Location 1
29	03/07/17	Zn	1.0 mg/L	0.117 mg/L	Location 1
30	03/07/17	Zn	0.19 mg/L	0.117 mg/L	Location 2
31	03/07/17	Fe	1.73 mg/L	1.0 mg/L	Location 2
32	03/11/16	TSS	240.3 mg/L	100 mg/L	Location 1
33	03/11/16	N+N	1.09 mg/L	0.68 mg/L	Location 1
34	03/11/16	Cr	0.63 mg/L	n/a	Location 1
35	03/11/16	Fe	5.77 mg/L	1.0 mg/L	Location 1
36	03/11/16	Zn	0.49 mg/L	0.117 mg/L	Location 1
37	03/11/16	Al	3.2 mg/L	0.75 mg/L	Location 1
38	03/11/16	Al	0.94 mg/L	0.75 mg/L	Location 2

The results of storm water sample analysis between April 2012 and March 2016 (lines 1-38) show consistent exceedances of the EPA benchmark levels for various indicator parameters. In numerous cases Plant 2 has self-reported to the Board exceedances of parameters by orders of magnitude—see e.g. line 8 exceedance of the benchmark for SC by almost 400%, and line 9 exceedance of the benchmark for N+N by almost 1600%. The sampling data summarized above in TABLE 2 demonstrates that the Plant 1 has failed and continues to fail to develop or implement BMPs that achieve compliance with the Act's BAT/BCT mandates.

2. *Receiving Water Limitations Violations*

Plant 2 also drains to Compton Creek, the Los Angeles River and ultimately into the Pacific Ocean near popular coastal resources. Based on information and belief, sampling data

reported to the State and Regional Boards demonstrate that storm water discharges from Plant 2 contain concentrations of pollutants that exceed primary and secondary standards. These data provide further evidence of Plant 2 has failed and continues to fail to develop and implement adequate BMPs.

i. Primary Receiving Water Limitation

The Basin Plan identifies beneficial uses of the Receiving Waters to include, among others, municipal and domestic water supply, groundwater recharge, water contact recreation, non-contact water recreation, warm freshwater habitat, and wildlife habitat. The Basin Plan provides a chemical constituent standard that "[s]urface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use. Water designated for use as Domestic or Municipal Supply (MUN) shall not contain concentrations of chemical constituents in excess of the limits specified in the following provisions of Title 22 of the California Code of Regulations which are incorporated by reference into this plan: Table 64431-A of Section 64431 (Inorganic Chemicals)..."[24] The Basin Plan provides a Maximum Contaminant Level ("MCL") for Al of 1 mg/L.

The EPA 303(d) List of Water Quality Limited Segments lists Reach 1 of the Los Angeles River as impaired for zinc, among other pollutants.[25] As a result, the Basin Plan contains additional water quality standards for the Los Angeles River in an amendment setting forth Total Maximum Daily Loads ("TMDLs") for the Los Angeles River.[26] For General Industrial Permit holders, the Basin Plan sets forth interim wet-weather concentration-based waste load allocations ("WLAs") that have been enforceable conditions for discharges since January 11, 2011. There is a WLA for zinc of 0.117 mg/L. Further, the CTR contains a freshwater numeric water quality standard for zinc of 0.120 mg/L (Criteria Maximum Concentration – "CMC"). 65 Federal Register 31712 (May 18, 2000).

The storm water sampling data summarized in TABLE 2 establish that discharges from Plant 2 contain concentrations of pollutants that cause or contribute to a violation of applicable WQSs.[27] These exceedances demonstrate that Plant 2 has violated and continues to violate the Permit's primary Receiving Water Limitations.

ii. Secondary Receiving Water Limitations

Waterkeeper's review of the sampling data reported to the State and Regional Boards demonstrates that Plant 2 has discharged and continues to discharge polluted storm water containing pollutant concentrations that violate the Permit's secondary Receiving Water Limitations. Discharges from Plant 2 contain chemicals such as iron, aluminum, and zinc, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Receiving Waters. Therefore, these discharges adversely impact human health and the environment in violation of Receiving Water Limitations.

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[24] Basin Plan at 3-8.
[25] *See* http://www.waterboards.ca.gov/centralvalley/water_issues/tmdl/impaired_waters_list/2008_2010_usepa_303dlist/20082010_usepa_aprvd_303dlist.pdf.
[26] *See* http://63.199.216.6/larwqcb_new/bpa/docs/R10-003/R10-003_RB_BPA.pdf.
[27] *supra* at TABLE 2 lines 4-6, 10-11, 15-16, 21-22, 25-26, 29-3, 36-38.

3. *Monitoring and Reporting Program Violations*

Plant 2 has violated and continues to violate the Permit's M&RP requirements. Among others, the following constitute the principal deficiencies in the M&RP at Plant 2:

- Inadequate Sampling Frequency—for multiple years between storm water year 2011-12 and storm water year 2015-16, Plant 2 has failed to collect samples from an adequate number of storm events, including failures in storm water year 2011-12, storm water year 2012-13 and storm water year 2015-16.
- Improper Combination of Samples—To the best of Waterkeeper's knowledge, Plant 2 only analyzed 1 composite sample (i.e. combination of storm water from as many as three discharge points) from storm water year 2011-12 through storm water year 2013-14. Plant 2 failed to provide a rationale or justification for such a reduction in analysis. Furthermore, data from 2016, in which each discharge point is analyzed independently, confirms that the dissimilarity among Plant 2's discharge locations.

IV. Persons Responsible for the Violations

Waterkeeper puts Triumph on notice that it is the entity responsible for the violations described above. If additional corporate or natural persons are identified as also being responsible for the violations described herein, Waterkeeper puts Triumph on notice that it intends to include those persons in this action.

V. Name and Address of Noticing Party

Bruce Reznik
Executive Director
Los Angeles Waterkeeper
120 Broadway, Suite 105
Santa Monica, CA 90401

VI. Counsel

Please direct all communications to legal counsel retained by Waterkeeper for this matter:

Gideon Kracov
Law Office of Gideon Kracov
801 Grand Avenue, Floor 11
Los Angeles, CA 90017
gk@gideonlaw.net

VII. Penalties

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects the Facility to a penalty of up to $37,500 per day per violation. In addition to civil penalties, Waterkeeper will seek injunctive relief to prevent further violations of the Act pursuant to

Sections 505(a) and (d), and such other relief as permitted by law. *See* 33 U.S.C. §§ 1365(a), (d). Lastly, Section 505(d) of the Act permits prevailing parties to recover costs and fees, including attorneys' fees. *See* 33 U.S.C. § 1365(d).

Waterkeeper believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. Waterkeeper intends to file a citizen suit under Section 505(a) of the Act against Triumph, the Facilities and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, Waterkeeper would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, Waterkeeper suggests that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period as Waterkeeper does not intend to delay the filing of a complaint in federal court.

Sincerely,

Gideon Kracov
Lawyer for Los Angeles Waterkeeper

Attachment A – Rain Event Summary for the Facilities: 2011 through 2016

Cc: Loretta Lynch, U.S. Department of Justice
Gina McCarthy, U.S. Environmental Protection Agency
Alexis Strauss, U.S. Environmental Protection Agency (Region IX)
Thomas Howard, State Water Resources Control Board
Samuel Unger, Regional Water Quality Control Board (Region 4)

VIA U.S. CERTIFIED MAIL

Loretta Lynch, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-001

Gina McCarthy, Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Alexis Strauss, Acting Regional Administrator
U.S. Environmental Protection Agency Region IX
75 Hawthorne Street
San Francisco, California 94105

Thomas Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100

Samuel Unger, Executive Officer
LA Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

Exhibit A

STORM EVENT SUMMARY: July 2011-July 2016

Days with Rainfall above 0.1 inches

https://www.wunderground.com/history/airport/KCQT/2016/5/16/MonthlyHistory.html?reqcity=Los%20Angeles&req_state=CA&reqdb.zip=90001&reqdb.magic=1&reqdb.wmo=99999)

Date (mm/dd/yy)	Rainfall (inches)
10/05/11	1.15
11/04/11	0.16
11/06/11	0.36
11/12/11	0.16
11/20/11	0.90
12/12/11	0.79
12/13/11	0.17
01/21/12	0.68
01/23/12	0.62
02/15/12	0.13
03/17/12	0.75
03/25/12	0.91
04/10/12	0.15
04/11/12	0.58
04/13/12	0.49
04/25/12	0.20
04/26/12	0.29
11/17/12	0.28
11/29/12	0.21
11/30/12	0.46
12/03/12	0.19
12/18/12	0.43
12/24/12	0.46
12/26/12	0.33
12/29/12	0.45
01/06/13	0.12
01/24/13	0.79
01/25/13	0.17
02/19/13	0.18
03/08/13	0.49
05/06/13	0.69
11/21/13	0.29
11/29/13	0.23
12/19/13	0.11
02/02/14	0.14
02/27/14	1.05

02/28/14	2.24
03/01/14	1.00
03/02/14	0.17
04/01/14	0.25
11/01/14	0.18
11/30/14	0.30
12/02/14	1.21
12/02/14	0.31
12/12/14	1.60
12/16/14	0.41
12/17/14	0.15
12/30/14	0.19
01/10/15	0.48
01/11/15	0.50
02/22/15	0.70
02/28/15	0.11
03/01/15	0.66
03/02/15	0.21
04/07/15	0.13
05/08/15	0.18
09/15/15	2.39
10/05/15	0.40
12/13/15	0.16
12/19/15	0.26
01/05/16	1.61
01/06/16	0.80
01/07/16	0.30
01/31/16	0.43
02/17/16	0.58
02/18/16	0.21
03/06/16	0.64
03/07/16	0.38
03/11/16	0.52
04/08/16	0.14